

REMARKS

Claims 1-19 have been examined. Claims 1-5, 8 and 9 have been rejected under 35 U.S.C. § 102(b). Also, the Examiner has indicated that claims 6, 7 and 10-19 are allowed.

Rejections under 35 U.S.C. § 102(b)

The Examiner has rejected claims 1-5, 8 and 9 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,463,758 to Ottesen ("Ottesen").

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites a decision device to determine if one of at least two data recorded in different areas on a record medium are valid data. The decision device determines if one of the at least two data is valid data during the recording of the data on the record medium.

The Examiner maintains that Ottesen discloses the above features. However, Applicant believes the Examiner is misinterpreting and/or misapplying the cited reference. For example, as disclosed in column 3, lines 60-65, of Ottesen, the select and error detection apparatus 82 is used to generate parity codes for data items written to drives 74, 75. The Examiner maintains that detection apparatus 82 discloses the claimed decision device. However, the generated parity codes are used to check if the data in drives 74, 75 is the same. Applicant submits that the generation of such parity codes does not determine if one of at least two recorded data is a valid data, as required by claim 1.

Further, the reference discloses that detection apparatus 82 performs parity checks of the parity codes. However, the parity checks are not performed during recording. Rather, as disclosed, the parity checks are performed during read back (col. 3, lines 62-65). Therefore, contrary to the Examiner's assertion, the detection apparatus 82 fails to teach or disclose the claimed decision device.

In addition, as stated above, claim 1 recites that data is recorded in each of at least two different areas on a record medium. The Examiner maintains that disk drives 74 and 75 disclose the claimed record medium. However, as disclosed in Ottesen, disk drives 74 and 75 are two separate, distinct disk drives (i.e. exemplary record A is stored as A_0 on disk drive 75, and stored as A_1 on disk drive 74) (Fig. 4; col. 3, lines 51-56; col. 4, lines 17-19). Ottensen does not disclose that both A_0 and A_1 are recorded on one of either disk drive 74 or disk drive 75. Thus, Applicant submits that Ottesen fails to teach or disclose the claimed record medium which has data recorded in each of at least two different areas on the record medium.

Accordingly, Applicant submits that claim 1 is patentable over the cited reference and respectfully requests the Examiner to withdraw the rejection.

B. Claim 2

Since claim 2 contains features which are analogous to the features of claim 1, Applicant submits that claim 2 is patentable over the cited reference for at least analogous reasons as presented above.

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C. Claims 3-5, 8 and 9

Since claims 3-5, 8 and 9 are dependent, either directly or indirectly, upon claim 2, Applicant submits that such claims are patentable at least by virtue of their dependency.

Allowable Subject Matter

As stated previously, the Examiner has indicated that claims 6, 7 and 10-19 are allowed.

Newly Added Claims

Applicant has added claims 20-31 to provide more varied protection for the present invention.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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